

MJC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 AUG -1 AM 8:00 2382

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gabriela Alejandra RODRIGUEZ,

Defendant

Magistrate Docket No.
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

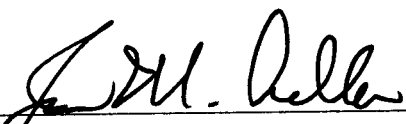
The undersigned complainant, being duly sworn, states:

On or about **July 30, 2008** within the Southern District of California, defendant, **Gabriela Alejandra RODRIGUEZ**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF AUGUST, 2008


Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

July 30, 2008

CONTINUATION OF COMPLAINT:
Gabriela Alejandra RODRIGUEZ

PROBABLE CAUSE STATEMENT

On July 30, 2008 Border Patrol Agent C. Matias was performing line watch duties approximately one and a half miles north of the United States/Mexico International boundary and one mile west of the port of entry at Tecate, California. At approximately 6:05 P.M. Agent Matias observed a female, later identified as defendant **Gabriela Alejandra RODRIGUEZ**, walking west on the north side of Highway 94.

Her disheveled appearance indicated that she had been walking through the hills and brush of the local area. She also appeared to be in distress and dehydrated. Agent Matias approached the defendant and identified himself as a Border Patrol Agent. He then questioned the defendant as to her immigration status. The defendant admitted to being a citizen and national of Mexico illegally present in the United States. At approximately 6:10 P.M. Agent Matias placed the defendant under arrest and transported her to the Border Patrol Processing Center at Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **July 28, 2008**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.